

**REMARKS/ARGUMENTS**

Prior to the entry of this Amendment, claims 1, 2, 4, 6-11, 13, 20, 21, 23, 25-27 and 42-49 were pending in this application. Claims 1, 4, 6, 7, 20, 23, 25, 26, and 42 have been amended, claims 50-57 have been added, and no claims have been canceled herein. Therefore, claims 1, 2, 4, 6-11, 13, 20, 21, 23, 25-27 and 42-57 are now pending in this application. Applicant respectfully requests reconsideration of these claims for at least the reasons presented below.

**35 U.S.C. § 102 Rejection, Patterson**

In the Final Office Action claims 1, 2, 4, 8, 9, 11, 13, 20, 21, 23, 25-27, 42, 43, 45, 46, 48 and 49 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U. S. Patent Application Publication No. 2002/0053023 to Patterson et al. (hereinafter "Patterson"). The Applicant respectfully submits the following arguments pointing out significant differences between the claims submitted by the Applicants and Patterson.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP 2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicant respectfully argues that Patterson fails to disclose each and every claimed element. For example, Patterson fails to disclose, either expressly or inherently, determining whether to check a status for said certificate and, in response to determining to check the status for said certificate, further determining whether to check the status for the certificate in real time as recited in each of the independent claims. Patterson also does not disclose either expressly or inherently, in response to determining to not check the status for the certificate, exporting the certificate without checking the status for the certificate as recited in independent claims 42 and 50.

As noted previously, Patterson "provides a certificate validation mechanism for a network interface." (page 1, para. 14) Under Patterson, "the certificate validation mechanism maintains a certificate cache that records certificates on which verification of validity has been performed along with an associated indication of validity resulting from the validity verification." (page 1, para. 14) More specifically, Patterson discloses receiving an email message and extracting a certificate from the received message. (page 3, para. 55) The received certificate is compared to certificates stored in a user cache. (page 3, para. 56) If the certificate is stored in the user cache, "validity information stored in the certificate in the user cache is extracted and associated with the received message." Page 3-4, para 57) If the received certificate is not stored in the user cache, a message is sent to a public repository to verify the certificate. The results of this verification are stored in the user cache. (page 4, para. 58-59) To maintain reliability of the user cache, certificates are purged from the cache based on the time since the certificate was last verified.

However, Patterson does not disclose, expressly or inherently, first determining whether to check a status for said certificate and, in response to determining to check the status for said certificate, further determining whether to check the status for the certificate in real time. That is, Patterson does not teach the dual determinations of 1) determining whether to check a status for a certificate (i.e., should the validity be checked) and, in response to determining to check the status for said certificate, 2) determining whether to check the status for the certificate in real time. Rather, Patterson teaches checking each received certificate to see if it is already in the user cache and checking the validity of every received certificate based on information either in the cache or from the public repository. thus, Patterson does not teach selectively checking the validity of a certificate (i.e., determining whether to check a status of a certificate).

Independent claims 1 and 20, upon which claims 2, 4, 6, 8, 9, 11, 13, 21, 23, and 25-27 depend, both recite in part "determining whether to check a status for said certificate; and in response to determining to check the status for said certificate at a check time, determining

whether to check the status for the certificate in real time." However, Patterson does not disclose determining whether to check a status for said certificate and in response to determining to check the status for said certificate, further determining whether to check the status for the certificate in real time. Rather, Patterson teaches checking the validity of every received certificate based on information either in the cache or from the public repository. For at least these reasons, Applicant respectfully requests that the rejection be withdrawn and claims 1, 2, 4, 6, 8, 9, 11, 13, 20, 21, 23, and 25-27 be allowed.

Similarly, claim 42, upon which new claims 43-49 depend, and new claim 50, upon which claims 51-57 depend, recites in part "determining whether to check a status for the certificate; in response to determining to not check the status for the certificate, exporting the certificate without checking the status for the certificate; [and] in response to determining to check the status for the certificate, determining whether to check the status for the certificate in real time." As noted above, Patterson does not disclose determining whether to check a status for said certificate and, in response to determining to check the status for said certificate, further determining whether to check the status for the certificate in real time. Rather Patterson teaches checking the validity of every received certificate based on information either in the cache or from the public repository. Furthermore, Patterson does not disclose in response to determining to not check the status for the certificate, exporting the certificate without checking the status for the certificate. Rather, Patterson checks each received certificate. Additionally, the certificate validation mechanism of Patterson does not export certificates. Patterson's certificate validation mechanism may request a certificate from a public repository of certificates if a certificate for the received message is not already in the user cache. The public repository supplies the requested certificate in response to the request but also does not determine whether to check the status for the certificate. For at least these reasons, Applicants respectfully request that claims 42-57 be allowed.

Appl. No. 09/998,914

PATENT

Amdt. dated: May 16, 2007

Amendment under 37 CFR 1.114 Request for Continued  
Examination

**35 U.S.C. § 103 Rejection, Patterson in view of Wiener**

The Final Office Action has rejected claims 7, 10, 26, 44 and 47 under 35 U.S.C. § 103(a) as being unpatentable over Patterson in view of U. S. Patent Application Publication No. 2003/0110376 to Wiener et al. (hereinafter "Wiener"). Applicant respectfully requests withdrawal of the rejection and allowance of the claims for at least the reason that claims 7, 10, 26, 44 and 47 each depend upon independent claims that are thought to be allowable as discussed in detail above.

**CONCLUSION**

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Dated: May 16, 2007

Respectfully submitted,

/William J. Daley/

William J. Daley  
Reg. No. 52,471

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 303-571-4000 (Denver)  
Fax: 303-571-4321 (Denver)

WJD:sbm

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